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Co-Lead Counsel for Plaintiffs and the Classes

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE TRANSPACIFIC PASSENGER
AIR TRANSPORTATION
ANTITRUST LITIGATION**

Civil Case No. 3:07-cv-05634-CRB

MDL No. 1913

This Document Relates To:

**PLAINTIFFS' NOTICE REGARDING
SECONDARY DISTRIBUTION**

ALL ACTIONS

1 Plaintiffs hereby submit this notice regarding the secondary distribution of the remaining
2 net settlement funds given the passage of time since Plaintiffs moved the Court to, *inter alia*,
3 authorize such distribution to settlement class members who cashed their checks and who would
4 receive a minimum payment of \$10 from the secondary distribution (ECF No. 1347).

5 On January 19, 2023, the Court entered the Order Granting Plaintiffs' Motion for
6 Secondary Distribution of Remaining Settlement Funds and Request for Attorneys' Fees and
7 Reimbursement of Expenses (ECF No. 1378).

8 On January 25, 2023, the Court entered the Order Denying Motion for Reconsideration
9 by Xanadu Corp. and David Gould (ECF No. 1385).

10 Xanadu Corp. and David Gould appealed the aforementioned Orders to the United States
11 Court of Appeals for the Ninth Circuit. On February 27, 2024, the Ninth Circuit affirmed this
12 Court's Orders. *In re Transpacific Passenger Air Transportation Antitrust Litig.*, No. 23-15118,
13 2024 WL 810703, at *1 (9th Cir. Feb. 27, 2024).

14 Xanadu Corp. and David Gould then petitioned the Supreme Court of the United States
15 for a writ of certiorari. On October 7, 2024, the Supreme Court denied the petition for a writ of
16 certiorari. *Xanadu Corp., et al., v. Meor Adlin, et al.*, No. 24-96, 2024 WL 4427222 (U.S. Oct. 7,
17 2024).

18 Now that Xanadu Corp. and David Gould's objections have been resolved, Plaintiffs will
19 proceed with the secondary distribution on or around February 14, 2025.

20 Pursuant to the Court's order, Rust and Class Counsel have been holding back \$46,878.87
21 for claimant Michael Chekian. *See* Declaration of Joel K. Botzet in Support of Plaintiffs' Motion
22 for Secondary Distribution of Remaining Settlement Funds and Request for Attorneys' Fees and
23 Reimbursement of Expenses § B (ECF No. 1347). Neither the settlement administrator, Rust, nor
24 Class Counsel have received any additional supporting documentation from Mr. Chekian to prove
25 his claim since the November 4, 2022 proceeding before the Court. *See* Declaration of Joel K.
26 Botzet in Support of Plaintiffs' Notice Regarding Secondary Distribution ("Botzet Decl.") ¶ 4.
27
28

Indeed, on November 14, 2024, Rust emailed Mr. Chekian to provide a case status update, inform him that Rust had not received any further supporting documentation from him since September 30, 2022, notify him that he is entitled to \$96.79 for the initial distribution based on all supporting documentation he provided, and asked him if he had any questions. *Id.* Mr. Chekian has not responded to Rust's email. *Id.* Given these facts, Rust and Class Counsel will no longer hold back \$46,878.87 for Mr. Chekian.

The total amount of the remaining settlement funds available for the secondary distribution is \$5,191,987.33, which includes the \$46,878.87 previously held back for Mr. Chekian less \$96.79. *Id.* ¶ 5.¹ Rust and Class Counsel will proceed with the distribution of this amount to settlement class members who cashed their checks and who would receive a minimum payment of \$10 from the secondary distribution. Botzet Decl. ¶ 6.

Rust and Class Counsel will also re-issue checks to four settlement class members who did not receive their initial distribution checks due to exceptional circumstances. *Id.* ¶ 7. These re-issued checks will include their pro rata share from the initial distribution and, if applicable, their pro rata share from the secondary distribution. *Id.*

Class Counsel shall make further distributions until such distributions are no longer economically feasible. At that point, Class Counsel shall propose an appropriate *cy pres* recipient, subject to Court approval, following the check void date for the final distribution.

Dated: January 10, 2025

Respectfully submitted,

/s/ Elizabeth T. Castillo

/s/ Christopher L. Lebsock

Adam J. Zapala

Michael P. Lehmann

Elizabeth T. Castillo

Christopher L. Lebsock

¹ This amount differs from the amount reported in the Plaintiffs' Motion for Secondary Distribution of Remaining Settlement Funds and Request for Attorneys' Fees and Reimbursement of Expenses (*i.e.*, \$5,448,087.41) because (1) the Court authorized further attorneys' fees in connection with settlement administration by Class Counsel, reimbursement of incurred litigation expenses by Class Counsel, and additional claims administration expenses by Rust (ECF No. 1378); and (2) interest has accrued on the remaining net settlement funds since the filing of that motion on August 8, 2022.

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